



**TOWN OF COLMA
MUNICIPAL CODE**

CHAPTER FIVE: PLANNING, ZONING, USE, DEVELOPMENT OF LAND AND IMPROVEMENTS

Subchapter Three: R-S Zone

5.03.080 "R-S" Zone

- (a) The following uses are permitted on land in the "R-S" Zone:
- (1) Single family detached dwelling;
 - (2) A "small family day care home" as defined in the Health and Safety Code providing family day care to six or fewer children; and
 - (3) Community parks and public buildings.
- (b) The following uses may be permitted in the "R-S" Zone upon issuance of a Conditional Use Permit and provided they comply with standards hereinafter set forth:
- (1) Home office use;
- (c) Existing multiple residence buildings, warehouses and other facilities not specifically listed in subparagraphs (a) and (b) above, shall be considered non-conforming uses. If warehouses or buildings housing commercial or light industrial uses are destroyed or damaged in excess of fifty percent (50%) of their market value they may only be replaced with conforming uses. If multiple residential buildings are destroyed or damaged beyond fifty percent (50%) of their market value they may be replaced with an equal number of legal units provided parking and other development standards comply with the standards set forth in this District.
- (d) Legal second units, existing in conjunction with a principal residence on August 19, 1998, shall be considered legal, non-conforming uses. New second units or expansions to existing units are prohibited.
- (e) Accessory buildings may be permitted in the "R" zone as follows:
- (1) An accessory building less than 120 square feet in projected roof area and less than six feet in height is generally permitted on residential lots in the "R" zone and is not subject to setback requirements provided that such accessory building meets each of the following requirements: (A) the accessory building is not placed between any section of the front wall or foundation of the residence and the front property line, and (B) the aggregate floor area of all such accessory buildings on a single residential parcel does not exceed 120 square feet;

(2) An accessory building not meeting the requirements of the preceding paragraph may be administratively permitted by the City Planner in accordance with the procedures set forth in Section 5.03.520 of this Code provided that the Planner makes the findings for a use permit set forth in section 5.03.410 of this Code and , that the accessory building meets each of the following requirements: (A) each accessory building that exceeds 120 square feet in area or is greater than six feet tall must comply with the setback requirements applicable to buildings in the "R" zone; (B) the aggregate floor area of all accessory buildings on the lot may not exceed 25% of the rear yard; and (C) the accessory building meets each of the following design requirements: (i) the accessory building shall conform to each restriction set forth in section 5.03.250 for the dwelling unit on the parcel; (ii) the design of and materials used for that accessory building shall be consistent with the design of and materials used in the dwelling unit on the lot; and (iii) the accessory building shall be sited to protect the privacy and quiet enjoyment of neighboring properties and shall minimize impacts of noise, light, glare, and traffic on neighboring properties.

(f) The following uses are specifically prohibited in the "R-S" Zone:

- (1) Communications structures
- (2) Churches
- (3) Schools
- (4) Commercial and Light Industrial uses

[*History:* formerly § 5.313.1, ORD. 536, 7/8/98, ORD. 617, 6/16/04; ORD. 638, 12/14/05]

5.03.260 Restrictions Applicable to the "R-S" Zone.

(a) All land within the "R-S" Zone shall be subject to the following development standards:

(1) Front yards must have a depth of not less than fifteen (15) feet from the front property line to the front face of the dwelling, nor less than nineteen (19) feet from the front property line to the front face of the garage. Corner lots shall be considered to have a front yard bordering each street.

(2) Side yards must not be less than ten percent (10%) of the lot width or ten feet (10'), whichever is less. No mechanical equipment, chimneys or above-ground stairs may project into required side yards. Stairs at grade and ground level decks are excepted.

(3) Rear yards must not be less than twenty-five feet (25') from the rear property line to any two story portion of the dwelling nor less than fifteen feet (15') to any one story portion of the dwelling. Any one story portion of a dwelling which extends less than twenty-five feet (25') from the rear property line must have a pitched roof, and the space above the roof must not be used for a roof deck, balcony or other similar purpose.

(4) Every lot must have a minimum average width of 33.33 feet and a minimum average depth of not less than 100 feet.

(5) Notwithstanding the requirements of subparagraphs (1), (2), (3) and (4) above, the City Council may waive one or more of the area requirements upon finding all of the following:

(A) That there are two or more dwellings constructed prior to January 1, 1990 on a single parcel without common walls;

(B) That it would be beneficial to the neighborhood to have each dwelling on a single parcel;

(C) That the parcel cannot be reasonably divided and still meet all of the foregoing requirements; and

(D) That the waiver will not tend to increase the density of use.

(b) The minimum number of off-street parking spaces, as defined in Section 5.01.080, shall be as hereinafter set forth:

(1) For all units constructed or replaced after March 1, 1988, off-street parking must be provided as set forth in the table:

| Residence Type | Spaces Required | | Total |
|--|-----------------|-----------|-------|
| | Covered | Uncovered | |
| Single Family Detached: (Over 4 bedrooms add 0.5 spaces for each bedroom) | 2 | | 2 |
| Legal Second Units: | | | |
| Studio | | | |
| One Bedroom | | | |
| Multiple Units: | | | |
| Studio | 1 | .5 | 1.5 |
| 1 Bedroom | 1 | .5 | 1.5 |

(2) For all residential structures existing prior to March 1, 1988, or for which a Use Permit was issued prior to March 1, 1988, complying with previous law which required only one (1) covered space for a single family dwelling or for a multiple dwelling having no more than one bedroom, and 1.5 covered parking spaces for each multiple dwelling having two (2) or more bedrooms, owners are not required to provide additional parking because of repair, restoration, remodeling or additions to such units except as follows:

(A) If additional bedrooms are added to an existing single family dwelling the number of off-street parking spaces must be increased by 0.5 covered or uncovered spaces for each bedroom exceeding the total, existing and added, of four (4) bedrooms.

(3) Tandem parking is not permitted for new single family detached dwellings; tandem parking is only permitted for dwellings where tandem parking existed prior to the effective date of this ordinance.

(4) A bedroom for purposes of these requirements is a room used as a bedroom or designed to be used as a bedroom. In the event of a dispute as to whether or not a room is a bedroom, determination shall be made by the City Planner based on the foregoing standard.

(5) If the total number of parking spaces required includes a fraction, the requirements shall be the next full number.

(6) For all single-family residential units constructed, replaced or to which a second story is added after October 8, 2003, the covered parking spaces required by this section 5.03.250 must be enclosed by walls and a lockable vehicle entry door, and must

meet the following minimum dimensions, excluding areas designed or used for stairs, utility closets, and major appliances:

- (A) Eleven feet (11') wide and twenty feet (20') long, where one covered parking space is required;
- (B) Twenty feet (20') wide and twenty feet (20') long, where two covered parking spaces is required.

(c) No buildings may exceed a height of twenty-seven feet (27') measured from the finished grade at the perimeter of the building to the highest point of the roof line.

(d) Buildings constructed or substantially remodeled after the effective date of this ordinance must incorporate the following design standards:

- (1) Buildings must be designed to feature a one-story front facade at the front yard setback;
- (2) Any existing second unit must be clearly subordinate to the principal unit and must not have its front door facing the street;
- (3) Exterior building walls must be well articulated with windows, doors, balconies, bays, exposed beams, overhangs and similar features; trim and moldings must be utilized to accentuate rooflines and wall openings;
- (4) All roofs must have a pitch not less than two inch vertical rise for each twelve inches of horizontal run. This shall not apply to existing buildings where the roof is not being remodeled;
- (5) All mechanical and electrical equipment must be located so as not to be visible from the public right-of-way;
- (6) At least sixty percent (60%) of the front setback area must be devoted to landscaping; front yard areas, other than driveway aprons, must not be used for storage of motor vehicles.

(e) All land in the "R-S" District shall comply with the following standards:

- (1) Provision must be made for storage of trash receptacles so they are not visible from the public right-of-way.
- (2) Front yard areas must never be used for storage.

[History: formerly § 5.331.1, ORD. 304, 10/10/84; ORD. 536, 7/8/98; ORD. 608, 12/10/03; ORD. 638, 12/14/05]

5.03.270 Second Dwelling Units.

Second Dwelling units shall be permitted in any residential zone except the R-S zone, subject to the following.

(a) *Standards.* A second dwelling unit permit will be issued only if the unit complies with the following standards:

- (1) Size: A Second Dwelling Unit may not be smaller than 150 square feet nor larger than 300 square feet and may not contain more than one (1) bedroom.
- (2) Setbacks from property lines shall be provided in conformance with Section 5.03.250(a).
- (3) A minimum of one off-street parking space is required in addition to the parking requirement in section 5.03.250 (b), and may be located in the front setback area and in tandem with other required off-street spaces.
- (4) Maximum building height shall be as specified in Section 5.03.250 (c).
- (5) Design shall be consistent with the standards set forth in Section 5.03.250 (e), except that the minimum width shall be twelve feet.
- (6) A front door entrance shall be provided separate and distinct from the primary dwelling unit.
- (7) A separate utility meter shall be provided.
- (8) The primary residence or the second dwelling unit must be occupied by the owner of record of the property;
- (9) A permanent foundation shall be required for all Second Dwelling Units.
- (10) There shall be only one second dwelling unit on any individual property.

(b) *Permitting Procedures for Second Dwelling Units.* Any application for a second dwelling unit permit shall be submitted to the Planning Department for verification that the proposal meets the standards set forth in Section 5.03.250 (a). Upon finding that the standards are met, the proposal shall be approved ministerially without discretionary review or public hearing and the applicant may proceed to acquire a Building Permit.

(c) *Deed Restrictions Applicable to Second Dwelling Units.* Neither a Building Permit nor a Certificate of Occupancy may be issued for a second dwelling unit unless and until the property owner has filed with the County Recorder an Agreement of Restriction, which has been approved by the City Attorney as to form and content, containing a reference to the deed under which the property was acquired by the owner and stating the following:

(1) The second dwelling unit shall not be sold separately from any part of the property on which it is located;

(2) The second dwelling unit is restricted to the standards specified in Colma Municipal Code Section 5.03.270;

(3) The second dwelling unit shall be considered legal only so long as either the primary residence or the second dwelling unit is occupied by the owner of record of the property;

(4) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.

[History: formerly § 5.331.2; ORD. 600, 6/25/03; ORD. 638, 12/14/05]

5.03.280 Regulation of Multi-Family Uses in Single-Family Residential Zones

(a) *Purpose.* The purpose of this Chapter is to preserve the residential character of neighborhoods in single-family residential zones by prohibiting the operation of boarding houses and rooming houses. This Chapter is directed at the commercial use of property that is inconsistent with the residential character of the neighborhoods in single-family residential zones and not the identity of the users.

(b) *Prohibition of Boarding Houses or Rooming Houses in Single-Family Residential Zones.* The operation of a boarding house or rooming house is prohibited in all single-family residential zones.

(c) *Permitted Use.* The renting of not more than two (2) rooms in a dwelling unit to individuals under separate rental agreements or leases is permitted by right as an accessory use in all residential districts, provided that:

(1) The rental of rooms is for periods of at least fourteen (14) days; and

(2) The rooms which are rented are fully integrated within the dwelling unit such that the rented rooms:

(A) Have interior access to the rest of the dwelling unit;

(B) Do not have separate cooking facilities; and

(C) Do not have separate street addresses assigned to such rooms(s).

(3) All requirements for off-street parking are met.

(d) Notwithstanding anything to the contrary herein, this section does not permit a commercial use in a residential district unless such a use is specified in the regulations for the district.

(e) *Violations.* Violations of this ordinance are declared to be a public nuisance. Each violation is subject to the penalties set forth in Subchapter Five of Chapter One of the Colma Municipal Code.

[*History:* formerly § 5.331.3; ORD. 628, 5/11/05; ORD. 638, 12/14/05]